

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:20-CV-00039-KDB**

**MICHAEL RINK,**

**Plaintiff,**

**v.**

**VICOF II TRUST,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court on Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 83). For the reasons discussed briefly below, the Court will deny the motion without prejudice as untimely.

The Court set the deadline for filing dispositive motions in this action for July 26, 2021, and the Parties filed cross motions for summary judgment on that date. On December 20, 2021, the Court denied the Parties' motions for summary judgment (Doc. No. 78) and scheduled trial in this matter to begin May 16, 2022. Pursuant to the Pretrial Order and Case Management Plan (Doc. No. 21), the Parties' pretrial obligations begin five weeks before the trial, with trial briefs due four weeks before trial.

Plaintiff's dispositive motion is untimely, and Plaintiff has not sought leave to file an untimely motion. Further, if this motion is allowed to proceed, briefing on the motion will conclude at approximately the same time that the Parties are required to file their trial briefs and otherwise begin significant preparations for trial. Accordingly, the Court finds that it is simply too late for the Court and the Parties to efficiently and productively address the issues raised by Plaintiff's

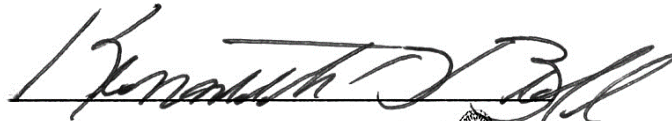
motion as a separate dispositive motion. Instead, the Parties should address these issues in their respective trial briefs.<sup>1</sup>

**NOW THEREFORE IT IS ORDERED THAT:**

1. Plaintiff's Motion for Judgment on the Pleadings (Doc. No. 83) is **DENIED without prejudice** as untimely; and
2. This case shall proceed to trial on the merits on the remaining claims in the absence of a voluntary resolution of the dispute among the parties.

**SO ORDERED ADJUDGED AND DECREED.**

Signed: March 29, 2022

  
Kenneth D. Bell  
United States District Judge



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<sup>1</sup> To be clear, the Court has not considered and expresses no view as to the merits of Plaintiff's motion, the substance of which will be considered at the appropriate time.